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IN BOARD OF SELECTMEN  
MONDAY, MAY 23, 1988

Present: Chairman David A. Wallace, John C. Drobinski and Judith A. Cope.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Chairman David A. Wallace at the Lower Town Hall.

Massachusetts State Primary - Time and Place of the Polls

Present: Town Clerk Jean M. MacKenzie; James W. Flanagan, School Committee.

The Board acknowledged receipt of communication dated April 21, 1988, from Town Clerk Jean M. MacKenzie requesting the Selectmen's vote of authorization to set the time and place of the polls for the State Primary, at 7:00 a.m. to 8:00 p.m., on Thursday, September 15, 1988, in the Peter Noyes School for all four precincts, by groups in accordance with M.G.L. Chapter 53, §42; and memorandum dated May 18, 1988, from Sudbury School Committee Chairman Stephen Bober, requesting that the Town seek an alternative site for future elections.

Selectman John C. Drobinski stated that he spoke telephonically with Mr. Bober, who told him that it was the consensus of the School Committee to go ahead with the approval for the Noyes School as the location for the State Primary on September 15, 1988 and to discuss an alternative location for future elections at a later date.

Ms. MacKenzie stated that she would like a resolution of this issue with regard to the November election this evening as well. Chairman Wallace pointed out that the only request made and therefore placed on the agenda concerns only the September 15 election; however, he assured her that the Selectmen will do all in their power to resolve this matter at the earliest possible time. Both Ms. MacKenzie and Executive Secretary Richard E. Thompson stated that they would look up the statutes with regard to time limits for notices, etc. and notify the Board so they may be aware of same.

Ms. MacKenzie requested a preliminary discussion about the issue of relocation and asked Mr. Flanagan to outline the concerns of the School Committee. Mr. Flanagan stated that, as stated in Mr. Bober's memorandum referred to above, the Committee's principal concerns are in three areas: (1) disruption of school programs in the gymnasium and/or cafeteria for at least two days for every election; (2) increased traffic and milling about of persons not normally associated with the school; and (3) open access of the entire school. Ms. MacKenzie countered these arguments by stating her opinion that the impact on the school's program is minimal at best, in that there are nine elections in four years; and the classes missed are "gymnasium", which has no required number of hours. She further stated that she has heard of no complaints from teachers of classes being disrupted. She further stated that it is her understanding that during the elections, the drivers of the children are requested to use the back entrance and thus there is, in her opinion, no traffic problem. Ms. MacKenzie also felt that the claims of possible abduction and abuse of the children are extreme.

Ms. MacKenzie continued by stating that the voting machines cannot be moved about without professional assistance and unless the Town is willing to pay an exorbitant cost for professional movers (she reported that another community pays \$4,000 per election to have their machines moved), the location for the elections should remain at the Noyes Schools.

Mr. Flanagan responded by saying that Ms. MacKenzie has made some very good points and reiterated the Committee's intention was not to be uncooperative but to work with the Town Clerk and the Selectmen in order to determine if there may be a more appropriate site.

It was thereupon on motion of Selectman Drobinski unanimously

VOTED: To set the time and place of the polls for the State Primary, at 7:00 a.m. to 8:00 p.m., on Thursday, September 15, 1988, in the Peter Noyes School for all four precincts, by groups in accordance with M.G.L. Chapter 53, §42; and to request Executive Secretary Thompson to schedule a meeting before August 1, 1988 to determine if there is an alternative site for future elections.

#### Town Forum

At 8:00 p.m., Chairman Wallace convened the 178th Session of the Town Forum, a copy of the minutes of which are attached hereto and made a part hereof.

#### Joint Meeting To Discuss Protection of the Town's Water Supply

Present: Representatives of the Board of Health, Planning Board, Water District, Conservation Commission and Residential Wastewater Treatment Facilities Advisory Committee.

Chairman Wallace stated that this would be an informational meeting only and as a follow-up discussion regarding Town Meeting Article 64 relative to protection of the Town's water supply. Mr. Wallace referred to memorandum dated May 12, 1988, from Executive Secretary Thompson to various boards and committees, which outlined the areas for general discussion.

Selectman Cope stated it was the goal of the Selectmen this evening to gather all concerns regarding the Town's water supply so that a plan may be devised for dealing with them. Mrs. Cope stated that one of the reasons she offered to serve on the Board was because of her concern for the water-related issues. She explained that when she attempted to be assured the Town's supply was clean and protected, answers were frequently inadequate and/or non-existent. She emphasized, however, that she does not mean to cast aspersions on the Water District; that responsibility for protection of the water supply must be shared by all. It is her opinion that there is not enough being done to protect what she believes to be the Town's most valuable resource. She then presented in placard form what she believed to be the issues. These included the following:

1. Education of the townspeople on the value of our water and water resources;

2. Increase attendance at Water District Meetings, and in particular, to learn how a resident may add an article to the warrant of the Water District's Annual Meeting;
3. Implementation of a monitoring of wells program on a regular basis;
4. Publishing for the public what sampling methods are used and what materials the wells are being tested for, as well as the results of such testing;
5. Cleanup of the Rte. 117 Well and consideration of expanding testing and cleanup to areas contaminants may have travelled to;
6. Investigation and review of cost for different treatment systems;
7. Investigation and review of algae problems on the Marlboro/Sudbury line, as well as between Sudbury and other connecting communities;
8. Outlining what group or authority should assume responsibility for policing contaminators to the Town's water supply at such confirmed and unconfirmed locations as behind Sousa's Gas Station, Coatings, Chiswick Park, Sperry property;
9. Outlining responsibilities for implementation of monitoring and implementation of policies at such locations as the Mullen lower-back culvert and Station Road area, to assure such areas do not "fall between the cracks" because of overlapping responsibilities among various groups or authorities;
10. Explanation of zone locations and proximity of wells to existing and future water supplies;
11. Assumption of responsibility by a group or authority to make certain Sudbury is taking advantage of whatever public assistance, such as the SARA program, the Commonwealth or Government may offer;
12. Consideration of obtaining professional assistance for reports and recommendations on water issues within the Town.

With regard to issue 7, resident Ursula Lyons recommended open communication with Marlboro over this problem and encouraged townspeople to attend an EPA public hearing on changing the permit of the Marlboro Sewage Treatment Plant which could affect the presence of algae in the Hop Brook Water System, which will be held at Marlboro High School, May 24, 1988, at 7:00 p.m.

Winthrop Fairbank, Executive Secretary of the Water District, was asked to comment and he stated that given the time constraints of the evening and the number of issues, he could not adequately address everything at this time. However, he did explain that with regard to a "monitoring" program, this is something the District has assumed and is not part of its regular duties. Although lack of manpower, funds and time are problems, he stated that they are doing all they can in an effort to safeguard the Town's wells. Upon inquiry by resident Joyce Fantasia, Mr. Fairbank stated that contrary to what he believes is misinformation by the media, Sudbury has only one well that is legally shut down [Selectman Cope believes there are two wells officially closed], and this does not affect the adequate supply of water to the Town. He stated that

Well #5 was found to contain six parts of TCE per billion (last year the State imposed a limit of five parts). Further, at this time, Mr. Fairbank believes if this well were tested, it would be "in spec" now.

Mrs. Fantasia also stated that the quality of the drinking water is a concern of herself and many friends and neighbors. She stated that she has observed many residents purchasing bottled water, and she does not know if their concerns are real or imagined. Mr. Fairbank stated that all water contains natural contaminants and the increased fears and awareness by the public is due in large part to the new technology. He explained that the new equipment is so sensitive that it can now detect readings of parts per billion. Mrs. Fantasia concluded her comments by suggesting an education program be established by a group such as the League of Women Voters with regard to such topics as how a Water District meeting is conducted.

In response to inquiry, Mr. Fairbank explained that the frequency of testing depends in large part on past readings; if a contaminant or organism has never been detected or in an extremely low quantity, it would not be tested for as often as one that may be more likely to be present. He stated that the water is monitored four times a year for about twelve organisms; twice a month for bacteria [Selectman Cope believes this program has just begun and to date, there has been only one such test]. For example, he said, radioactivity is tested every five years, because there has never been a positive reading of it. Mr. Fairbank further explained that the State dictates what will be tested, at what levels, and so forth. However, he went on, every purveyor of water has to be a licensed operator, and must follow the State's rules; although he acknowledged that the community may do whatever additional testing it wants. Selectman Cope expressed her concern about methylene chloride and whether it has been re-tested.

Frances Clark of the Conservation Commission expressed her concern, not only with the quality of the water, but its consumption by the townspeople. It is her opinion that a basic education program is needed to make the Town aware of its need to conserve, especially with the increased installation of sprinkler systems by residents.

Lael Meixsell of the Planning Board also expressed his desire to obtain information about how the Water District meetings are conducted, and in response to inquiry, Executive Secretary Thompson stated that he would obtain copies of the Rules and Regulations for perusal by whomever wishes to review same.

Dr. William Cooper of the Residential Wastewater Treatment Facilities Advisory Board agreed that public education is important as a counter to the fear and ignorance of water issues. He concurred with Mr. Fairbank's statement regarding the sophisticated technology revealing more pollutants; he stated that it does not take much to register two parts per billion of something. Dr. Cooper also suggested that any consideration of the source of pollutants to our water supply should include looking at our own individual households.

Given the hour of the evening and the fact that additional agenda items needed to be addressed, Chairman Wallace was compelled to close the discussion. However, he stated that it is the Board's intention to continue this dialogue, as the Selectmen realize water is a major concern and should be addressed throughout the year.

Chairman Wallace thanked all present for their input and requested Executive Secretary Thompson to reduce to writing the major questions raised and forward them to the appropriate board or authority for comment.

Borrowing: Sherman's Bridge Reconstruction - State Reimbursement

Present: Town Treasurer Chester Hamilton.

The Board acknowledged receipt of memorandum dated May 18, 1988, from Town Treasurer Chester Hamilton, requesting authority from the Board to renew borrowing in anticipation of State reimbursement for the design of Sherman's Bridge reconstruction pursuant to Article 11 of the 1984 Annual Town Meeting, which comes due June 8, 1988.

Mr. Hamilton was pleased to report that, as a result of a meeting he had with Town Accountant James Vanar, it was determined that under the Town's new accounting system it is possible to pay off this borrowing, but leave open the authorization, so that in the future, if the need arises, the Town Treasurer may borrow the required amount at that time.

Thus, because it is not yet determined when or if the remainder of these funds will be needed, the Treasurer withdrew his request of May 18, 1988, to renew the Sherman's Bridge borrowing.

Loring School Building - Renewal of Lease By Congregation B'nai Torah

Present: James W. Flanagan, Sudbury School Committee.

The Board reviewed letter dated May 13, 1988 from Robert Snyder, President of Congregation B'nai Torah, requesting an extension of the lease currently in force between the Congregation and the Town.

James Flanagan of the Sudbury School Committee advised the Board that they were in the process of obtaining more information concerning the matter of reactivating use of the Loring Building as a school, and would be discussing same at the Committee's next meeting, to be held June 15, 1988.

It was therefore on motion of Selectman Drobinski unanimously

VOTED: To postpone its decision whether or not to grant an extension of the lease between the Town and Congregation B'nai Torah of the Loring School building, which lease expires June 30, 1989.

Sudbury Water District - Request for Acquisition of Land for Well Site

Present: Winthrop Fairbank, Executive Director of the Sudbury Water District; James Flanagan, School Committee.

The Board reviewed letter dated May 17, 1988, from Winthrop H. Fairbank of the Sudbury Water District requesting that the Town deed a portion of land to the rear of the Curtis School for use as a well site. Executive Secretary Thompson produced a sketch prepared by Town Engineer I. William Place, and Mr. Fairbank and the Board reviewed same. Mr. Fairbank added that the quality of the water has tested to be excellent, and the proposed well would provide

1,000,000 gallons a day. He further pointed out that, in addition to the District's requirement to own and control Zone 1 (which includes that property currently owned by the Town), they also will need a different access.

James Flanagan of the School Committee asked Mr. Fairbank if location of the well as proposed would preclude expansion of the Curtis School. Mr. Fairbank opined that it would not; however, he did believe any drains or leaching fields should be kept away from that area.

On recommendation of Executive Secretary Thompson, it was on motion of Chairman Wallace unanimously

VOTED: To refer the request from the Sudbury Water District, dated May 17, 1988, relative to its desire to acquire a portion of land to the rear of the Curtis School for use as a well site, to Town Counsel to review deed(s) to determine ability to transfer land for this use; and to refer same to the School Committee for its comment and recommendations.

#### Special Acts of Legislation

After review, it was on motion of Chairman Wallace unanimously

VOTED: To sign petitions to the Massachusetts General Court for passage of Special Acts of legislation, as follows:

1. An Act authorizing the Selectmen of the Town of Sudbury to appoint a Town Treasurer and Collection of Taxes of said Town, as approved by the 1988 Annual Town Meeting under Article 50;
2. An Act to Amend a Certain Conservation Restriction and Pedestrian Walkway Easement, as approved by the 1988 Annual Town Meeting under Article 75.

It was on further motion unanimously

VOTED: To authorize Executive Secretary Thompson to file same with the appropriate legislator; and further, to authorize the Executive Secretary to testify on behalf of the Board of Selectmen before any hearings conducted on these petitions.

#### American Legion - Request To Sell Poppies

Upon review of letter from Ronald J. Griffin, Adjutant for the American Legion Post 191, it was on motion of Chairman Wallace unanimously

VOTED: To grant permission to the Sudbury American Legion Post No. 191 to sell paper poppies during the Memorial Day Weekend when stores are open, subject to approval by owners of the premises, at Star Market Plaza, Sudbury Farms/1776 Plaza, and MacKinnon's Shopping Center; and to provide refreshments to marchers in the Memorial Day Parade at the Town Hall parking lot.

Council On Aging

It was on motion of Selectman Drobinski unanimously

VOTED: To accept donations in the amount of \$157 for deposit into the Council On Aging Van Donation Account; and to authorize the Council On Aging to expend the same for purposes of operating and maintaining the Council On Aging van.

Ambulance Donation Account

Pursuant to memorandum dated May 16, 1988, from Fire Chief Michael Dunne, it was on motion of Selectman Drobinski unanimously

VOTED: To accept a donation in the amount of \$50 from Hope W. Baldwin and sons, 230 Maynard Road, in appreciation of the Fire Department's emergency medical service to David Baldwin, for deposit into the Ambulance Donation Account.

Eagle Scouts

The Selectmen noted with pride the attainment of Eagle Scout by three of the Town's young men, and wish to give special recognition to them for joining a select few who have been able to achieve this honor.

It was therefore on motion of Selectman Drobinski unanimously

VOTED: To sign letters of congratulations to EDWARD M. POTTER of 40 Barton Drive, JASON A. KATES of 35 Haynes Road, and ERIK P. FLEISCHMAN of 297 Willis Road, on achieving the rank of Eagle Scout, Scouting's highest award.

Minutes

After review, it was on motion of Chairman Wallace unanimously

VOTED: To approve the minutes of the May 16, 1988, meeting, as presented.

Senior Center Task Force - Appointments

The Board acknowledged receipt of the following with respect to creation of and appointments to a Senior Center Task Force:

1. Letter dated April 14, 1988, from Marjorie Van Houten, Director of Council On Aging, requesting creation of a Senior Center Task Force, and a request that such Task Force be headed by the Permanent Building Committee;
2. Letter dated May 9, 1988, from Superintendent of Schools Dr. David E. Jackson, informing that Jeffrey W. Moore was selected by the School Committee as a member of the Task Force;
3. Letter dated May 6, 1988, from Nancy L. Brown, Executive Director, Sudbury Visiting Nurse Association, Inc., requesting that Jessie Cunningham be appointed to the Task Force;

4. Telephone call from Carol Hull, Chairman of the Goodnow Library Trustees, suggesting that Carol Henley and William Talentino be appointed to the Task Force;

5. Telephone call from Donald Oasis requesting, on behalf of the Council On Aging, that Anne W. Donald, Sarah A. Williams and Marjorie Van Houten be appointed to the Task Force.

After discussion, and pursuant to the aforementioned recommendations, it was on motion of Chairman Wallace unanimously

VOTED: To create a Senior Center Task Force, which shall be headed by the Permanent Building Committee; and to appoint the following to said Task Force, each for a term of one year to expire April 30, 1989:

Permanent Building Committee;

Sarah A. Williams, Anne W. Donald and Director Marjorie Van Houten, representing the Council On Aging;

Carol Henley and Director William Talentino, representing the Goodnow Library;

Judith A. Cope, representing the Board of Selectmen;

Gwendolyn K. Powers, representing the Finance Committee;

Jeffrey W. Moore, representing the School Committee;

Jessie C. Cunningham, representing the Sudbury Visiting Nurses Association;

Robert G. Johnson, representing the Long Range Planning Committee.

#### Discretionary Fund

The Board reviewed confidential memorandum dated May 20, 1988, requesting confirmation of an expenditure from the Discretionary Fund Petty Cash Account to an individual for emergency assistance in paying overdue utility bills.

It was on motion unanimously

VOTED: To confirm expenditure of \$125 from the Discretionary Fund Petty Cash Account to the individual named in confidential memorandum dated May 20, 1988, for emergency assistance in paying overdue utility bills, on May 20, 1988.

#### Reserve Fund Transfer - Legal Expense

Upon review of request for Reserve Fund Transfer, it was on motion of Selectman Drobinski unanimously

VOTED: To authorize the Chairman to proceed with signing Request for Reserve Fund Transfer in the amount of \$14,000 for Account 512-503-256 Legal Expense for the following expenses; subject to discussion with the Finance Committee and receipt of back-up materials:



\$1,547.50 (shortfall in current balance to enable payment of  
Labor Counsel bill in the amount of \$5,608.50)  
1,452.50 (Labor Relations Counsel future billing)  
11,000.00 (Town Counsel future billing)

RR Section House Cleanup

Selectman Cope reported that a cleanup of the Section House area at Hop Brook and Route 20 is scheduled for Saturday, June 4, 1988, at 9:00 a.m., and invited all to participate.

Liaison Assignments - Addition

It was on motion of Chairman Wallace unanimously

VOTED: To amend the vote of May 16, 1988, relating to Liaison Assignments for 1988-89, to include the Residential Wastewater Treatment Facilities Advisory Committee under the assignments for Selectman Drobinski.

Proposed Joint Meeting

Executive Secretary Thompson reported that a joint meeting regarding financial matters has been tentatively scheduled for June 14, 1988, among the Finance Committee, Selectmen and the School Committee, to be held at the regularly-scheduled meeting of the School Committee. Chairman Wallace indicated that he would be unable to attend on that date.

Middlesex County Selectmen's Association

The Board noted receipt of announcement of the Annual Dinner Meeting of the Middlesex County Selectmen's Association to be held at Hanscom Air Force Base, Officers Club, Wednesday, June 8, 1988. Selectman Cope indicated that she would be unable to attend.

Sperry Land

Executive Secretary Thompson reported that he and Selectman Cope attended a meeting with Landscape Architect Ron Boucher and other principals pertaining to the so-called "Sperry Land" located in Concord and Sudbury. Mr. Thompson showed the Selectman a Conceptual Site Plan prepared by Ron Boucher Associates, dated May 11, 1988, entitled "Frost Farm Development". He stressed that this was very preliminary and shows a total of approximately 347 total units (225 in Sudbury and 122 in Concord); and five luxury units in Sudbury, consisting of two acres each, fronting Route 117.

It is Mr. Thompson's understanding that the owners wish to expand the existing building by 30,000 square feet; and if the owners determine this is not possible or practicable, they intend to locate a tenant to lease the building as is.

Mr. Thompson stated that he believes the owners, through Ron Boucher, have indicated their desire to receive comments and suggestions from the Selectmen. Selectman Cope added that she brought to the attention of those present that

there may be a problem regarding the well on Route 117, which exhibits evidence of trichroethylene contamination. Selectman Cope requested that Mr. Thompson bring this matter to the attention of Town Counsel and to have Town Counsel prepare an appropriate letter to Sperry Corporation.

Massachusetts Commission Against Discrimination

Executive Secretary Thompson reported that he, Lee Newman, Elaine Jones, and Terri Ackerman attended a meeting with the Massachusetts Commission Against Discrimination on May 16, 1988, to review procedure for bringing the Town into full compliance with its regulations; and stated he would follow up with the Board at a later date.

After discussion, it was on motion of Chairman Wallace unanimously

VOTED: To re-assert the Town's policy of fair housing, and to request Executive Secretary Thompson to contact the Sudbury Housing Partnership Committee on the Board's behalf in an effort to enlist the participation of its members in serving on the Sudbury Fair Housing Committee.

There being no further business to come before the Board, the meeting was adjourned at 11:00 p.m.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk